

**Marlboro County Jetport
Safety and Height Zoning Ordinance**

**A ZONING ORDINANCE TO LIMIT HEIGHT OF OBJECTS AND ESTABLISH LAND
USE AROUND THE MARLBORO COUNTY JETPORT LOCATED IN
MARLBORO COUNTY, SOUTH CAROLINA**

PURPOSE AND INTENT

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE MARLBORO COUNTY JETPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING A BOARD OF ZONING APPEALS WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT AND APPEALS; AND IMPOSING PENALTIES AND AN EFFECTIVE DATE.

APPLICABILITY

This Ordinance is adopted pursuant to the authority conferred under Chapter 13 of the South Carolina Code of Laws 55-13-10 for the purpose of promoting the health, safety, and general welfare of the inhabitants of the State of South Carolina. It is hereby found that any county in which there is an airfield may make reasonable rules and regulations prohibiting, within reasonable distance from the airfield:

- A. The erection of any building, tower or other structure or the allowing of natural growth or hazard to aircraft, above certain maximum heights which shall be increased at varying distances from the airfield; and
- B. The use of land in a manner which will create electrical interference with radio communication between aircraft and airfield, confuse or impair visibility in the vicinity of the airfield or otherwise endanger the landing, takeoff or maneuvering of aircraft using the airfield.

Accordingly, it is declared:

- 1. That the creation or establishment of an obstruction or land use has the potential of being a public nuisance and may impact the utility of the Marlboro County Jetport and the public investment therein.
- 2. Obstruction or a type of land use has the potential for affecting existing and future instrument approach minimums at the Marlboro County Jetport; and may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft; and
- 3. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

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4. That the prevention of these obstructions should be accomplished, to the extent legally permissible, by the exercise of the authority invested in the county;
5. That certain uses of land in the approaches to the Jetport have the potential for interfering with aircraft operations and may affect the safety of the owners, occupants, or users and their activities.

It is further declared that the establishment of land usages, because of safety and aircraft noise impact, and the prevention of the creation or establishment of hazards to air navigation are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land. In order to carry out the purpose and intent of this Ordinance, the following requirements of the zones shall apply to those areas indicated on the Marlboro County Jetport Zoning Map, as made an attachment of this Ordinance.

IT IS HEREBY ORDAINED BY the Marlboro County Council, as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as the "Marlboro County Jetport Safety and Height Zoning Ordinance." This attached map shall be known and may be cited as the "Marlboro County Jetport Zoning Map."

SECTION II: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives used herein shall be interpreted as follows.

1. AIRPORT – Marlboro County Jetport.
2. AIRPORT ELEVATION – The highest point of an airport's usable landing area measured in feet from mean sea level.
3. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In the layout plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section III of this Ordinance.
5. BOARD OF ZONING APPEALS - This Board shall be the Marlboro County Board of Zoning Appeals as appointed by the Marlboro County Council. Board consists of nine members as provided in Marlboro County Ordinance No. 545.

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6. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. COUNTY COUNCIL: shall mean Council of Marlboro County, South Carolina.
8. EXCEPTED HEIGHT LIMITATIONS - Means that nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.
9. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
10. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
11. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
12. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
13. LAND USE, COMPATIBLE: The use of land adjacent to the Jetport that does not endanger the health, safety, or welfare of the owners occupants, or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operation of the Jetport, including the take-off and landing of aircraft.
14. LOT: includes plat or parcel.
15. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
16. NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
17. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
18. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, receiver, assignee, or a similar representative of any of them.
19. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway

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has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

20. RUNWAY - A defined area on an airport prepared for take-off and landing of aircraft along its length.
21. RUNWAY ENDS - Refers to the existing physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the Marlboro County Jetport Zoning Map.
22. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
23. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet (horizontally) to 1 foot (vertically), from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
24. TREE - Any object of natural growth.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Ordinance, certain zones are hereby created and established, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Marlboro County Jetport. Such zones are shown on the Marlboro County Jetport Zoning Map consisting of one (1) sheet, prepared by Talbert & Bright, Inc., and dated September, 2002, which is attached to this Ordinance and made a part thereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. TRANSITIONAL ZONES. The transitional zones are the areas beneath the transitional surfaces.
3. HORIZONTAL ZONE. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zones do not include the approach and transitional zones.

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4. CONICAL ZONE. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward therefrom for a horizontal distance of 4,000 feet.

This Ordinance applies only to the Marlboro County Jetport.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. RUNWAY 6/24 LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE. Slopes 34 feet outward (horizontally) for each one (1) foot upward (vertically), beginning 200 feet beyond the end of, and at the same elevation as, the runway end; and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. TRANSITIONAL ZONES. Slopes seven (7) feet outward (horizontally) for each one (1) foot upward (vertically), beginning at the sides of, and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 297 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward (horizontally) for each one (1) foot upward (vertically), beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
3. HORIZONTAL ZONE. Established at 150 feet above the current airport elevation, or at a height of 297 feet above mean sea level.
4. CONICAL ZONE. Slopes 20 feet outward (horizontally) for each one (1) foot upward (vertically), beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or at a height of 497 feet above mean sea level for Marlboro County Jetport.
5. EXCEPTED HEIGHT LIMITATION. Except as defined in Section V, nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of fifty 50 feet above the surface of the land. Such potential obstructions are to be resolved through the purchase of property in easement, or in fee simple. In addition to the height restrictions imposed by the imaginary surfaces, no structure or natural growth shall be erected, altered, allowed to grow, or be maintained within the areas defined in Section IV at such height as would result in the increase of any minimum flight altitude, vectoring altitude, ceiling, minimum descent altitude, or landing or take-off visibility minimum for any category of aircraft as established by the Federal Aviation Administration (FAA), unless approved by the County Council.

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SECTION V: LAND USE AND SAFETY ZONING MAP

1. Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Jetport.
2. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Marlboro County Jetport; and to limit population and building density in the runway approach areas, to prevent incompatible land uses which would compromise aeronautical activity at the Jetport; thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:
 - a. SAFETY ZONE A (RUNWAY 6/24) – All land in the approach zones of the runway which extends outward from the end of the primary surface for a distance of 1,700 feet and is 500 feet wide at the inner end and 1,010 feet wide at the outer edge.
 - b. SAFETY ZONE B (RUNWAY 6/24) - All land in the outer position of the approach zones of the runway which extends outward from Safety Zone A for a distance of 3,300 feet and is 1,010 feet wide at the inner edge and 2,000 feet wide at the outer end. This safety zone shall also encompass the land in that area defined as the transitional zone.
 - c. SAFETY ZONE C - All land which is enclosed within the perimeter of the Horizontal Zone, as defined in Section III Marlboro County Jetport Zoning Map, and which is not included in Safety Zone A and B.

In addition, the safety zones listed below define permitted uses in the designated areas.

1. SAFETY ZONE A - Areas designated a Safety Zone A shall contain no buildings or temporary structures, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture and essential air-navigation equipment.
2. SAFETY ZONE B - Areas designated a Safety Zone B shall be restricted in use as follows:
 - A. Each use shall be on a site whose area shall not be less than three (3) acres.
 - B. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage listed below.

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- C. Each site shall have no more than one (1) building plot upon which any number of structures may be erected. A building plot shall be single, uniform, and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area listed below.

Site Area (Acres)	Ratio of Site Area To Building Plot Area	Building Plot Area (Square Feet)	Maximum Site Population (15 persons per Acre)
3 to 4	12:1	10,900 S.F.	45
4 to 6	10:1	17,400 S.F.	60
6 to 10	8:1	32,600 S.F.	90
10 to 20	6:1	72,500 S.F.	150
20 and Up	4:1	218,000 S.F.	300

- D. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly.
3. **SAFETY ZONE C** - Zone C is subject only to height restriction set forth in Section III of this Zoning Ordinance, and to the general restrictions in Section IV of this Zoning Ordinance

SECTION VI: NONCONFORMING USES

1. **REGULATIONS NOT RETROACTIVE.** The regulation prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulation as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted within one (1) year thereof.
2. **OBSTRUCTION MARKING AND LIGHTING.** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Marlboro County Administrator to indicate to the operators of aircraft in the vicinity of the Jetport the presence of such airport obstruction. See FAA Advisory Circular 70-7460-1H for further guidance. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Sponsor.
3. Notwithstanding any preceding provision of this section, if, by a determination of the FAA, the encroachment of any tree into regulated airspace is such that providing markers and lights is insufficient to protect the life and property of the flying public, the Marlboro County Planning Commission shall institute steps to have such trees topped at the expense of the Airport Sponsor, if requested in writing by the County Administrator. If unsuccessful in obtaining the cooperation of the parties involved, the Marlboro County Planning Commission shall petition the Marlboro County Council to institute the appropriate legal

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action, as reasonably necessary, to insure the safety of the flying public in airspace regulated by this Ordinance.

SECTION VII: PERMITS

1. FUTURE USES. Except as specifically provided in a and b hereunder, no material change shall be made in the use of land which results in creation of an aviation hazard, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.

- a. In the area lying within the limits of the *horizontal zone* and *conical zone*, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the *approach zones*, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- c. In the areas lying within the limits of the *transition zones* beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section IV, 5.

2. EXISTING USES. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. NONCONFORMING USES ABANDONED OR DESTROYED. Whenever the County Administrator determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down (or damaged more than 80 percent of the current Marlboro County tax

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value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Except as specifically provided in this section, it not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
 - b. greater nonconformity with respect to height limitation.
4. VARIANCES. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Marlboro County Planning Commission as notified through the County Administrator or other designated County Staff, for advice as to the aeronautical effects of the variance. If the County Administrator does not respond to the application within fifteen (15) calendar days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.
5. OBSTRUCTION MARKING AND LIGHTING. Any permit or variance granted may, if such action is deemed advisable, to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit Marlboro County, South Carolina, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION VIII: ENFORCEMENT

It shall be the duty of the County Administrator to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the County Administrator upon a form published for that purpose. Applications required by this Ordinance to be submitted to the County Administrator shall be promptly considered and granted or denied.

Applications for variances shall be made to the Board of Zoning Appeals by first filing said application for variance with the County Administrator who shall forthwith transmit said application to the Board of Zoning Appeals for determination. Application for action by the Board of Zoning Appeals shall be forthwith by the Planning/Zoning Director.

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SECTION IX: BOARD OF ZONING APPEALS

1. The Board of Zoning Appeals shall be the equivalent of the Board of Adjustment and is established by the County of Marlboro Zoning Code; and when acting under this Ordinance shall have and exercise the following powers: (1) To hear and decide appeals from any order, requirement, decision, or determination made by the County Administrator in the enforcement of this Ordinance; (2) To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Zoning Appeals under such regulations may be required to pass; and (3) To hear and decide specific variances.

In acting upon variances, the Board of Zoning Appeals shall be governed by the permits section as referenced in Section VII.

2. The Board of Zoning Appeals, as established in Marlboro County Zoning Ordinance No. 545, has been created by Marlboro County and is effective as of August 6th, 2002. The Board of Zoning Appeals consists of nine members and one at-large member, who shall all be citizens of Marlboro County, South Carolina. These members shall be appointed by the Marlboro County Council for staggered two to four year terms, and shall coincide with the terms of the eight elected Council members. There are no designated alternatives at the current time. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
3. The Board of Zoning Appeals shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Zoning Appeals shall be public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Administrator, and on due cause shown.
4. The Board of Zoning Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of Marlboro County or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

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SECTION X: APPEALS

The following guidelines apply to the appeal process:

1. Any person aggrieved, or any taxpayer affected, by any decision of the County made in the administration of the ordinance, may appeal to the Board of Zoning Appeals, as provided in Marlboro County Zoning Ordinance No. 545.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Zoning Appeals, by filing with the County Administrator a notice of appeal specifying the grounds thereof. The County Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the County Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the County Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or notice to the County Administrator and on due cause shown.
4. The Board of Zoning Appeals shall fix a reasonable time for hearing appeals, giving public notice and due notice to the parties in interest, and deciding the same within a reasonable time. During the public hearing, any party may appear in person or by agent or by attorney.
5. The Board of Zoning Appeals may, in conformity with the provision of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION XI: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Zoning Appeals, may appeal to the Circuit Court as provided in applicable Public Law.

SECTION XII: PENALTIES

In accordance with Chapter 13 Section 55-13-30 of the Code of Laws of South Carolina, 1976; each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

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SECTION XIII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION XV: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect immediately after its passing, publication, and posting, as required by law. This Ordinance shall be effective upon adoption.

Duly adopted this 13th day of March, 2003

Ordinance was adopted March 13, 2003
Susan E. Rivers, Clerk to Council